

Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 05CXT0076WL (50337-1340)
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____		Application Number 10/621,557
Signature _____		Filed July 17, 2003
Typed or printed name _____		First Named Inventor Fischer, et al.
_____		Art Unit 2616
_____		Examiner Moore, Ian N.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor. /afb/

assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

Signature _____

Anthony F. Bonner, Jr.

attorney or agent of record.
Registration number _____

55,012

Typed or printed name _____

(770) 933-9500

Telephone number _____

February 14, 2008

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

*Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
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8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Fischer, et al.

Confirmation No.: 1331

Serial No.: 10/621,557

Group Art Unit: 2616

Filed: July 17, 2003

Examiner: Moore, Ian N.

Docket No.: 50337-1340

For: Dynamic Assignment of Station Addresses Transmitted Over Shared-Communication Channels

REMARKS IN SUPPORT OF PRE-APPEAL BRIEF CONFERENCE

Mail Stop Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicant submits the following remarks in support of a Request for a Pre-Appeal Brief Conference.

REMARKS

Applicant submits that the following clear legal deficiency exists in the rejection. Namely, the previous Office Action equates "assigning an association identifier to said station" with assigning an association identifier to a transmission stream, which are two functions that are technically very different from each other. Furthermore, the instant claims recite, among other elements, "wherein said second address is a combination of (1) a portion of said first address and (2) at least a portion of said association identifier." Even if the cited reference, *Donaghey*, discloses using the stream identifier as part of the address, as pointed out on page 2 of the Advisory Action mailed January 23, 2008, *Donaghey* fails to disclose that "wherein said second address is a combination of (1) a portion of said first address and (2) at least a portion of said association identifier" where the association identifier is associated with a station. Therefore, *Donaghey* fails to anticipate the claims..

I. Status

Claims 1-3, 5-8, 10-13, 15-18, and 20 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by *Donaghey* (U.S. Patent No. 6,804,232). Claims 4, 9, 14, and 19 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Donaghey* (U.S. Patent No. 6,804,232) in view of *Cannon* (U.S. Patent No. 6,067,444).

II. Rejections of Independent Claims 1, 6, 11, and 16 Under 35 U.S.C. §102

Independent claims 1, 6, 11, and 16 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by *Donaghey* (U.S. Patent No. 6,804,232). Applicant

respectfully submits that independent claim 1 is allowable for at least the reason that *Donaghey* does not disclose, teach, or suggest at least **receiving a third frame from said station via said local area network, wherein said third frame uses a second address, rather than said first address, as the medium access control address for said station in said local area network; wherein said second address is a combination of (1) a portion of said first address and (2) at least a portion of said association identifier**. Even if, assuming for the sake of argument, *Donaghey* discloses using a second address using a combination of a first address and an identifier associated with a stream, *Donaghey* fails to disclose wherein the second address is a combination of a portion of the first address and at least a portion of the association identifier, where the identifier is associated with a station. In *Donaghey*, the stream number is assigned to the communication received or sent from the PEA; the stream number is not assigned to the PEA itself. Additionally, multiple streams with various stream numbers may be sent from a particular PEA. Conversely, according to the instant claim, the association identifier is assigned to the *station*. Therefore, *Donaghey* does not anticipate independent claim 1, and the rejection should be withdrawn for at least that reason.

Independent claims 6, 11, and 16 are allowable for similar reasons. Dependent claims 2-5, 7-10, 12-15, and 17-20 are allowable for at least the reason that dependent claims 2-5, 7-10, 12-15, and 17-20 contain all the features of independent claims 1, 6, 11, and 16.

CONCLUSION

For at least the reasons set forth above, favorable reconsideration and allowance, or the re-opening of prosecution on the merits of the present application and all pending claims are hereby courteously requested.

Respectfully submitted,

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

/afb/

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